(397) (175) (130)

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY PART II, SECTION 3(i), DATED 9.12.1988.

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

New Delhi, the 9th Dec.,1988

N O T I F I C A T I O N

G.S.R. 1158 (E).- In exercise of the powers conferred by section 87 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby extends to the Union territory of Chandigarh, the Punjab Courts (Haryana Amendment) Act, 1978 (Haryana Act No. 24 of 1978) as in force in the State of Haryana at the date of this notification, subject to the following modifications, namely:-

MODIFICATIONS

1. In section 2, in the opening portion, for the words and figures "the Punjab Courts Act, 1918", the words and figures "the Punjab Courts Act, 1918, as in force in the Union territory of Chandigarh" shall be substituted.

2. Section 4 shall be omitted.

3. In section 5, in the opening line, the word and figure "and 4," shall be omitted.

contd..2/-

IndiaCode

ANNEXURE

THE PUNJAB COURTS (HARYANA AMENDMENT) ACT, 1978 (HARYANA ACT NO. 24 OF 1978) AS EXTENDED TO THE UNION TERRITORY OF CHANDIGARH.

An Act to amend the Punjab Courts Act, 1918, in its application to the State of Haryana.

BE it enacted by the Legislature of the State of Haryana in the Twenty-ninth Year of the Republic of India as follows:-

Short title.

1. This Act may be called the Punjab Courts (Haryana Amendment) Act, 1978.

Substitution of section 39 of Punjab Act 6 of 1918.

2. For section 39 of the Punjab Courts Act, 1918 as in force in the Union territory of Chandigarh (hereinafter referred to as the principal Act), the following section shall be substituted, namely:-

"39. Appeals from Subordinate Judges.-

(1) Save as aforesaid, an appeal from a decree of order of a Subordinate Judge, shall lie to the District Judge, irrespective of the value of the original suit.

(2) Subject to the provisions of sub-section(3) an appeal to the Court of District Judge shall be heard by the District Judge or by an Additional District Judge.

(3) An Additional District Judge shall hear only such appeals as the High Court may, by general or special order direct, or as the District Judge of the District may make over to him.

(4) All appeals from a decree or order of a Subordinate Judge, pending in the High Court, irrespective of the value of the original suit, shall stand transferred to the District Judge exercising ordinary territorial jurisdiction.

(5) The High Court may, by notification, direct that appeals lying to the District Judge from all or any of the decrees or orders passed in any original suit by any Subordinate Judge shall be preferred to such other Subordinate Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly and the Court of such other Subordinate Judge shall be deemed to be a District Court for the purpose of all appeals so preferred."

contd..3/-

Substitution of section 41 of Punjab Act 6 of 1918.

3. For section 41 of the principal Act, the following section shall be substituted, namely:-

"41. Second appeals.-(1) An appeal shall lie to the High Court from every decree passed in appeal by any Court subordinate to High Court, if the High Court is satisfied that the case involves a substantial question of law.

(2) An appeal may lie under this section from an appellate decree passed ex parte.

(3) In any appeal under this section the memorandum of appeal shall precisely state the substantial question of law involved in the appeal.

(4) Where the High Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question.

(5) The appeal shall be heard on the question so formulated and the respondent shall, at the hearing of the appeal, be allowed to argue that the case does not involve such question:

Provided that nothing in this sub-section shall be deemed to take away or abridge the power of the Court to hear, for reasons to be recorded, the appeal on any other substantial question of law, not formulated by it, if it is satisfied that the case involves such question.".

4. (Omitted).

Savings.

5. Nothing contained in section 3 of this Act shall apply to or affect any appeal from a decree or order which had been admitted, before the commencement of this Act, after hearing under rule 11 of Order XLI of the Code of Civil Procedure, 1908, and every such admitted appeal shall be dealt with as if these sections had not come into force.

No. U-11015/10/82-UTL (175)

(ASHOK NATH)
JOINT SECRETARY TO THE GOVT. OF INDIA.

To

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